

No. 11(112)-80-8Lab/11224.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad in respect of the dispute between the workmen and the management of Alfamed Private Limited, Sector 24, Faridabad :—

IN THE COURT OF SHRI ISHWAR PRASAD CHAUDHRY, PRESIDING OFFICER, LABOUR COURT,
HARYANA, FARIDABAD

Reference No. 253 of 1980

between

SHRI RAMA NAND, WORKMAN AND THE MANAGEMENT OF M/S ALFAMED PRIVATE
LIMITED SECTOR 24, FARIDABAD

Present :

Shri Darshan Singh for the workman.

Shri R. N. Rai for the respondent.

AWARD

This reference No. 253 of 1980 has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/26/80/23267, dated 6th May, 1980 under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the dispute existing between Shri Rama Nand, workman and the management of M/s Alfamed Private Limited, Sector 24, Faridabad. The term of the reference was :—

“Whether the termination of services of Shri Rama Nand was justified and in order ? If not, to what relief is he entitled ?

After receiving this reference, notices were issued to both the parties for 3rd July, 1980. Both the parties appeared and prayed for a date for settlement. But on 3rd September, 1980, Shri R. N. Rai authorised representative of the management made a statement before this court that the workman had settled his claim under section 18(i) of the Industrial Disputes Act. The copy of the settlement is Ex. M-1. Now nothing remained due to the workman. This statement of the representative of the management was also agreed to by the representative of the workman Shri Darshan Singh. He also stated that the workman had settled his dispute with the management. Now nothing remained due to the workman.

In the light of the above statement made by the parties, I hold that the demand raised by the workman has been duly satisfied. There is now no dispute remains to be adjudicated upon between the parties.

This be read in answer to this reference.

Dated, the 24th September, 1980.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

Endstt. 1836, dated 30th September, 1980.

Forwarded (four copies) to the Secretary, to Government Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act.

ISHWAR PRASAD CHAUDHRY,
Presiding Officer,
Labour Court, Haryana,
Faridabad.

The 3rd November, 1980

No. 11 (112)-80-8 Lab/11449.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Delhi-Faridabad Textile Private Limited, 20/5, Mathura Road, Faridabad :—

BEFORE SHRI M.C. BHARDWAJ, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 100 of 1979

between

SHRI NAGURAM WORKMAN AND THE MANAGEMENT OF M/S. DELHI-FARIDABAD
TEXTILES PRIVATE LIMITED, 20/5, MATHURA ROAD, FARIDABAD

Present :—

Shri P.K. De for the workman.

Shri R.C. Sharma for the management.

AWARD

By order No. FD/7/79/13369, dated 21st March, 1979 the Governor of Haryana referred the following dispute between the management of M/s. Delhi-Faridabad Textiles, Private Limited, 20/5, Mathura Road, Faridabad and its workman Shri Nagu Ram, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Nagu Ram was justified and in order ? If not, to what relief is he entitled?

On receipt of the order of reference, notices were issued to the parties. The parties appeared and filed their pleadings. On the pleadings of the parties, following issue framed on 25th June, 1979 :—

Whether the termination of services of Shri Nagu Ram was justified and in order ? If not, to what relief is he entitled?

And the case was fixed for the evidence of the management. The management did not produce any evidence even after seven adjournments within a span of nine months, therefore, their evidence was closed. Then the case was fixed for the evidence of the workman who examined himself and closed his case. Arguments were heard. I, now give my finding on issue No.1.

Issue No. 1.—The workman concerned stated that he was appointed on 12nd July, 1974 as an Electrician at the rate of Rs. 253/- P.M. He was given a charge-sheet on 9th January, 1978 which was replied by him,—*vide* Ex. W-1. He was called for a domestic enquiry. He submitted letter of request to get some facilities at the time of domestic enquiry copy of which is Ex. W-2. Again letters W-3 to W-5 were written to the management regarding proceeding of the enquiry. The management issued termination order Ex.W-6. In cross-examination he refused a suggestion that he was working in Vinita Textile. He admitted his signatures on documents filed by the management.

I have gone through the dismissal order Ex.W-6. It is as under :—

“You were charge-sheeted,—*vide* our letter, dated January 14, 1978. 1st June, 1978 for committing act of gross misconduct of beating, etc. You submitted your explanation which was not found satisfactory and an enquiry was ordered. Under certain circumstances, it was not possible to complete the enquiry. However, we have reached the conclusion that it is not in the interest of the organisation to keep you in an employment any more. Under the circumstances, you are dismissed from the services of the company with effect from today, i.e., 31st August, 1978. You can collect your all dues whatsoever from our Accounts Department.”

According to letter of dismissal the workman was charge-sheeted for gross misconduct. Enquiry was ordered but not completed. The management failed to explain what was the reason to discontinue the enquiry and further that how it reached the conclusion of dismissing the workman concerned. The management has failed to lead any evidence in this case. Believing un rebutted statement of the workman and the discrepant letter of dismissal, I decide this issue against the management.

While answering the reference, I give my award that the termination of services of the workman was neither justified, nor in order. The workman is entitled to reinstatement with continuity of service and with full back wages. He is also entitled to costs of these proceeding which is fixed at Rs. 100. I order accordingly.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated, the 30th September, 1980.

No. 883, dated the 6th October, 1980.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

M. C. BHARDWAJ,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.